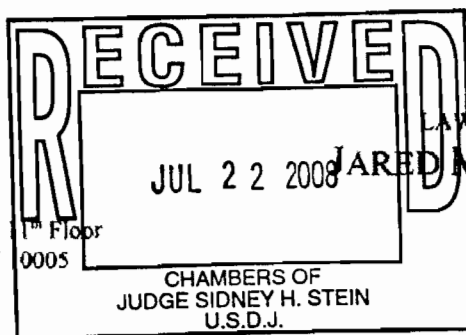
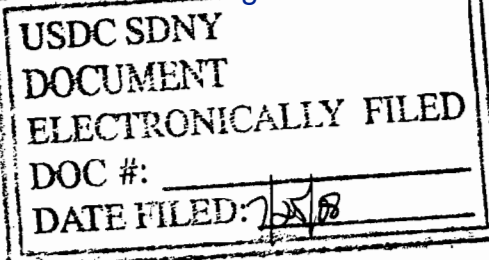


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July 22, 2008

**BY FAX (212) 805-7924**

MEMO ENCLOSED

Hon. Sidney H. Stein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Alberto Lafontaine v. City of New York, et al  
Case # 08 CV 1555

Dear Judge Stein:

I represent the plaintiff in the above referenced matter. This letter is to alert the court to certain discovery issues and to request an extension of the discovery deadline from August 8, 2008 to September 8, 2008. This morning I left a telephone message for corporation counsel regarding its position on this application, and I have not yet heard back.

As the Court may recall, this is a §1983 action for, *inter alia*, false arrest, false imprisonment, and malicious prosecution. The primary reason for the request for an extension of the discovery deadline is that the Bronx County District Attorney's office has apparently lost my client's file. A demand for the file under Rules 26 and 34 was served on corporation counsel dated April 14, 2008, and a subpoena requesting the file was served directly on the Bronx County District Attorney's office on June 17, 2008. As of my telephone conversation this morning with Assistant District Attorney Mary Jo Blanchard, they are "still looking" for the file. There are at least three Assistant District Attorneys whose depositions must be taken, and possibly their supervisor(s) as well, and the file contains documents and information crucial for such depositions.

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In addition, at the deposition of the arresting NYPD officer Virgilio Bencosme conducted on July 10, 2008, it became apparent that several other documents which were included in the Rule 26 and 34 request had not been produced -- not the least of which is the 911 call and certain notes taken by officer Bencosme.

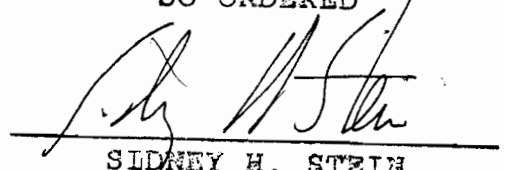
Finally, on June 16, 2008 my office requested from corporation counsel the last known contact information for two (of the three) Bronx County Assistant District Attorneys who are witnesses in this case but are no longer ADA's in Bronx County. It is my intention to serve subpoenas on these witnesses, and their most recent contact information has not yet been provided.

For the foregoing reasons, it is respectfully requested that the court extend the discovery deadline to September 8, 2008. It is noted that there is a status conference in this case scheduled for August 14, 2008 which the court may wish to reschedule in the event the within request is granted.

Respectfully submitted,

  
Jared Lefkowitz

*Status conference at 8/14 at 10AM  
Any discovery extension will be  
addressed at that time.*  
SO ORDERED

  
SIDNEY H. STEIN  
U.S.D.J.

cc: Johana Castro, Corporation Counsel